

REMARKS

The applicant would like to thank Examiner Snider for the courtesy of a phone interview conducted November 21, 2003. The applicant made arguments with respect to the primary reference (Lesco) relied upon to reject the claims. Examiner Snider indicated that she would further consider her rejection in light of the arguments presented that the suggested modification of Lesco would not function as intended. Specifically, a modified Lesco would not have the "surge" feature described in the patent.

Claim 3 has been cancelled. Claims 39 and 54 are independent. These claims require a valve that alternatively supplies liquid to a first or second nozzle. The prior art does not teach or suggest a device that meets the claim requirements (i.e. the ability to alternatively supply the liquid to either the first jet tip, or to the second jet tip, but not both as in Lesco.).

Lesco discloses a device that provides two modes of operations. In Lesco, the normal flow of cleaning liquid may be augmented with an increased flow. As stated in column 1, lines 55-59:

Still a further object of the present invention is to providing a carpet extractor having a first valve that is opened for normal cleaning and a second valve that is opened simultaneously with the first valve to provide for a heavier flow of cleaning solution.

In addition, Lesco provides a flange 126 that will engage the flange 122 so that both valves open to create the augmented flow, even when only the thumb button is depressed. The examiner has pointed to column 8, lines 5-8 as support for her contention that Lesco discloses first and second sets of nozzles. Even in this alternative configuration, both sets of nozzles deliver liquid when the thumb button is depressed.

In the claimed invention, the flow of liquid is controlled by the nozzles. The desired output is controlled by changing the flow from one nozzle to the other and not by increasing the

flow to the nozzles as in Lesco. The nozzles in the current application are configured to control the amount of liquid delivered. The fast dry jet tip is configured to deliver less liquid than the deep clean jet tip. The claims recite structure (the valve) that performs a function that is not disclosed by the prior art (changing the flow from one nozzle to the other).

Claim 39 requires a selection mechanism that is operable to alternatively select one of the first jet tip and the second jet tip for communication with the source of liquid and for discharging liquid from the source of liquid. Claim 54 requires that only the first conduit communicates with the source of liquid in the first position of the valve and only the second conduit communicating with the source of liquid in the second position of the valve. Lesco does not disclose these limitations and thus does not anticipate any of the claims.

There is also no motivation to modify Lesco as set forth in the rejection of the claims. The examiner suggest it would have been obvious to modify Lesco to create the claimed device. The examiner recites the need to reduce the multiple valves of Lesco with the single valve claimed in order to allow for a simpler fluid distribution system. The resulting fluid distribution system would not be simpler because it would require the addition of an extra conduit and an additional jet tip to meet the requirements of the claims. As a result there is no motivation to combine the references to create the claimed invention.

The claimed invention requires structure that is not disclosed by the prior art. The claimed invention also requires the claimed structure to function in a specific manner that is not disclosed by the prior art. The prior art does not disclose a valve, a first nozzle (jet tip), and a second nozzle (jet tip) wherein the valve places only one of the nozzles in fluid communication with the liquid supply.

Claims 47 and 48 have been amended to clarify that the valve of claim 39 is a ball valve and the indicator of that same claim is a manually operable indicator. Applicant requests the withdrawal of the rejection of these claims under 35 USC §112 second paragraph.

Conclusion

Accordingly, Applicants respectfully submit that independent claims 39 and 54 are allowable over the prior art of record, including the Lesco patent. For similar reasons, and for the additional reasons set forth above, Applicants urge that the dependent claims are also allowable.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



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Applicant(s): *Kent et al.*

Title: *Digital Micro Carpet Cleaning Machine, Assembly, System, and Methods of Use*

Transmittal Letter(s)

Specification: _____ Pages

Number of Claims: _____ Pages

Abstract: _____ Pages

Drawings: _____ Sheet(s) _____ Formal _____ Informal

Declaration/POA _____ signed _____ unsigned

Assignment

Amendment/Response *C*

Petition under 37 CFR 1.136(a)

CPA Transmittal

Information Disclosure Statement w/Ref.

Issue Fee Payment

Request

Demand

Fee Calculation Sheet

Notice of Appeal Appeal Brief

Statement Under 3.73 (b)

Other *post card*

PCT/US #: 09/898,584
Filed: 11/21/2001
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Small Entity Declaration
 Fee of \$ _____, Paid by
 Deposit Acct. No. 20-0823
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Date Mailed: 12/3/03
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Rev. 2/02

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